

Remarks

This application has been carefully reviewed in light of the Non-Final Office Action dated April 9, 2008. No amendments have been made. Claims 1, 2, 4-17, 19-22, 24-27, and 29 are currently pending. Further review and reconsideration is requested in light of the remarks below.

OBJECTIONS

Claim 1 has been objected to because of the term “static converter”. In particular, the Examiner states that “a static converter does not refer to a particular converter therefore does not add any particular limitations in regard to the converter. A static converter will therefore be read on by any converter....” Applicant disagrees with the Examiner’s take on the term “Static Converter”. The Examiner has overlooked the term “static” in association with the term “converter”. A static converter is one that does not rotate, like those that the Examiner has cited in some of the prior art references. Thus, a static converter is a switch based converter as opposed to a rotating machine based converter. Accordingly, the objection should be withdrawn.

PRIOR ART

As stated in Applicant’s response dated December 6, 2007, the Rajagopalan (US2003/0160514) and Welches et al. (US2004/0084965) references are not prior art under §102(a) because both Rajagopalan and Welches et al. were published after the filing date of the Provisional Application. Particularly, Rajagopalan was published on August 28, 2003 and Welches et al. was published on May 6, 2004, well after the Provisional

Application filing date of December 6, 2002.

The Examiner has now rejected the claims using Rajagopalan under 35 U.S.C. §102(e) and again using Welches et al. under 35 U.S.C. §102(a). It is assumed that the Examiner actually meant to use Welches et al. under 35 U.S.C. §102(e). 35 U.S.C. §102(e) states:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent....

Neither Rajagopalan or Welches et al. are prior art under 35 U.S.C. §102(e). Applicants invention was invented prior to the filing dates of both Rajagopalan and Welches et al. In addition, the Examiner has used U.S. Publication No. 2003/0229423 (Andarawis et al) and U.S. Publication No. 2002/0175522 (Wacknov et al.) as prior art in 35 U.S.C. §103(a) rejections. It should be noted, that these applications are not prior art. The Applicants invention was invented prior to the filing of these applications, as well. A declaration under 37 C.F.R. §1.131 is being submitted herewith.

ANTICIPATION

Claims 1, 2, 4, 6-10, 12, 13, 17, and 19-21 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2003/0160514 (Rajagopalan). Claims 22, 24-27, and 29 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2004/0084965 (Welches et al.).

As discussed above, Rajagopalan and Welches et al. are not prior art. A declaration under 37 C.F.R. §1.131 is being submitted herewith. Thus, the rejections should be

withdrawn with respect to the above claims.

OBVIOUSNESS

Claims 5, 11 and 14-16

Claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,198,176 (Gillette). Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Publication No. 2003/0229423 (Andarawis et al). Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,392,856 (Kehril et al.). Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Publication No. 2002/0175522 (Wacknov et al.). Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,134,124 (Jungreis et al.). These rejections are respectfully traversed.

The Examiner uses Rajagopalan in each of the above rejections. As discussed above, Rajagopalan is not prior art. In addition, claims 5, 11 and 14-16 all depend from independent claim 1. Further, Andarawis et al. and Wacknov et al. are not prior art. A declaration under 37 C.F.R. §1.131 is being submitted herewith. Thus, the rejections should be withdrawn with respect to the above claims.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1, 2, 4-17, 19-22, 24-27, and 29 at an early date is solicited.

If any fees are due in connection with this paper, the Director is authorized to charge

Application No. 10/729,428
Response Date: August 6, 2008
Reply to Office Action of April 9, 2008
Page 13

them, or credit any overpayments, to Deposit Account No. 50-4137.

Respectfully submitted,
/Brandon C. Trego/
Brandon C. Trego
Registration No. 53,702

Trego, Hines & Ladenheim, PLLC
9300 Harris Corners Parkway, Suite 210
Charlotte, North Carolina 28269
Tel. 704-599-8911
Fax: 704-599-8719
e-mail: bct@thl-iplaw.com
File No. 1036/3US